

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

KATHY MATHENA,)	
)	
Plaintiff,)	
)	
v.)	No. 11-3164-SSA-CV-S-MJW
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

On September 22, 2011, the Commissioner moved to remand this case for further administrative action, pursuant to sentence six of 42 U.S.C. § 405(g). The reviewing court¹ may remand a case to the Commissioner for good cause shown at any time before an answer is filed. Shalala v. Schaefer, 509 U.S. 292, 297 n.2 (1993).

The Commissioner states that before an answer was filed, the Appeals Council of the Social Security Administration determined that the tape-recording of the administrative hearing held on June 29, 2009, was partially or totally blank, preventing the preparation of a proper court record. Plaintiff has not filed a response to the motion, or an objection to a remand.

Where, for example, the tape-recording of the claimant's oral hearing is lost or inaudible, or cannot otherwise be transcribed, or where the claimant's files cannot be located or are incomplete, good cause would exist to remand the claim to the Commissioner for appropriate action to produce a record

H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980).

There is good cause to remand to the Commissioner. Accordingly, it is

ORDERED that the motion to remand under sentence six of 42 U.S.C. § 405(g) is granted. [10]

¹With the consent of the parties, this case was assigned to the United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(c).

Dated this 9th day of November, 2011, at Jefferson City, Missouri.

/s/ *Matt J. Whitworth*

MATT J. WHITWORTH
United States Magistrate Judge